

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LEANDA RAE MUHONEN,

Civil No. 09-452 (JRT/MJX)

Plaintiff,

v.

CINGULAR WIRELESS EMPLOYEE  
SERVICES, LLC and  
COMMUNICATIONS WORKERS OF  
AMERICA LOCAL 7200 AFL-CIO  
CLC,

**ORDER DENYING PLAINTIFF'S  
MOTION TO PROCEED ON  
APPEAL IN FORMA PAUPERIS**

Defendants.

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Leanda Rae Muhonen, 7601 Chanhassen Road # 305, Chanhassen, MN 55317, *pro se* plaintiff.

Kathryn Mrkonich Wilson, Jodie F. Weinstein, and Tyree Ayers Jackson, **LITTLER MENDELSON, PC**, 80 South 8<sup>th</sup> Street, Suite 1300, Minneapolis, MN 55402, for defendant Cingular Wireless Employee Services, LLC;

Cristina Parra Herrera, Gregg M. Corwin, and Margaret A. Luger-Nikolai, **GREG M. CORWIN & ASSOCIATES LAW OFFICE, PC**, 1660 South Highway 100, Suite 508E, St. Louis Park, MN 55416; and Richard Rosenblatt, **RICHARD ROSENBLATT & ASSOCIATES, LLC**, 8085 East Prentice Avenue, Greenwood Village, CO 80111, for defendant Communications Workers of America Local 7200 AFL-CIO CLC.

On November 24, 2010, *pro se* plaintiff Leanda Rae Muhonen filed a notice of appeal to the Eighth Circuit Court of Appeal regarding the November 4, 2010 Order of Magistrate Judge Susan Nelson. (Docket Nos. 200-201 & 210.) Muhonen filed an *in forma pauperis* application with her notice of appeal, which the Court construes as a motion to proceed *in forma pauperis* on appeal. 28 U.S.C. § 1915(a)(1).

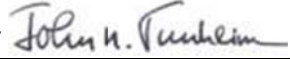
The Court must deny an in forma pauperis motion where the appeal is “not taken in good faith” regardless of the litigant’s financial eligibility or need. *Id.* § 1915(a)(3). “Good faith in this context is judged by an objective standard rather than the subjective beliefs of the appellant. To determine whether an appeal is taken in good faith, the Court must decide whether the claims to be decided on appeal are factually or legally frivolous.” *Bigalke v. Minnesota*, No. 10-212, 2010 WL 4537934, at \*1 (D. Minn. Nov. 3, 2010) (citation omitted).

The appeal is both untimely and legally frivolous. *See* Local Rule 72.2(a) (objections to nondispositive orders by Magistrate Judge must be made within fourteen days); 28 U.S.C. § 1292(b) (most interlocutory orders not subject to immediate appeal without permission of the district court). Accordingly, the Court denies the motion. Muhonen may renew her motion to proceed in forma pauperis on appeal after judgment has been entered, or as appropriate under 28 U.S.C. § 1292.

### **ORDER**

Based on the foregoing, and the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that Leanda Rae Muhonen’s Motion to Proceed on Appeal in Forma Pauperis [Docket No. 211] is **DENIED without prejudice** to renew the motion at an appropriate time specified in this order.

DATED: January 7, 2011  
at Minneapolis, Minnesota.

s/   
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JOHN R. TUNHEIM  
United States District Judge